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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,800	03/31/2004	Richard Lum	MSI-1837US	9918
22801 7590 09/26/2007 LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER DHILLON, MANJOT K	
			ART UNIT	PAPER NUMBER
			3714	
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			09/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/816,800	Applicant(s) LUM ET AL.	
	Examiner Malina K. Dhillon	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/19/05, 1/21/05, 3/21/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright (US 7024501 B1) in view of Moore et al. (US 6020875).

Concerning claims 1, 7, 14 and 19, Wright recites, a multi-system video game controller for use with different host gaming systems that support different USB modes, the multi-system video game controller comprising **[column 2, lines 44-55]**; and a USB module, operatively coupled to the processor a communication interface to facilitate communication with the different host gaming systems **[column 2, lines 34-55]**; and a USB protocol module to utilize a first USB mode during communication with a first host gaming system **[column 3, lines 40-53]** and a second USB mode during communication with a second host gaming system **[column 6, lines 4-25 and 51-61]**.

Wright teaches speed tradeoffs when selecting the appropriate wireless communication channel and the type of device being connected, therefore, there are different modes of speed when connecting the controller to the host system. Wright recites to facilitate communication and operate the controller in a first USB mode when the video game controller is connected to a first host gaming system and to facilitate communication and operate the controller in a second USB mode when the video game controller is connected to a second host gaming system **[column 6, lines 4-25 and 51-61]**. Wright teaches a video game controller, comprising: means for determining which of a first host gaming system or a second host gaming system is attempting to establish a USB connection with the video game controller **[column 6, lines 65-67]**.

Wright lacks specifically teaching the controller has a processor and memory. The patent to Moore et al. discloses a high fidelity mechanical transmission system and interface device. Moore et al. teaches the controller containing a processor **[column 5, lines 61-67 and column 6, lines 1-3]** and a memory operatively coupled to the processor **[column 16, lines 38-45]**.

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Concerning claim 2, Wright teaches the communication interface comprises an RF module to facilitate wireless communication **[column 6, lines 51-61]**.

Concerning claim 3, Wright teaches the communication interface comprises a serial cable to facilitate wired communication **[column 1, lines 20-35]**. Connecting a controller via wired communication is well known in the art and would have been obvious to apply to any gaming system at the time of the applicant's invention. Moore et al. also teaches wired communication **[column 15, lines 1-19]**.

Concerning claims 4, 8, 15 and 20, Wright teaches the first USB mode is low speed USB and the second USB mode is one of full speed USB or high speed USB **[column 6, lines 4-25 and 51-61]**. Wright teaches speed tradeoffs when selecting the appropriate wireless communication channel and the type of device being connected, therefore, there are different modes of speed when connecting the controller to the host system.

Concerning claims 5, 11, and 21, Wright teaches the first host gaming system comprises a console-based gaming system and the second host gaming system comprises a personal computer **[column 2: lines 34-43]**.

Concerning claims 6 and 18, Wright teaches a general-purpose controller with one or more multi-function actuators **[column 2: lines 56-67]**.

Concerning claims 9, 10 and 16, Wright teaches the USB module selects one of the first USB mode or the second USB mode when the game controller is first connected, at a time subsequent to when the game controller is connected, and automatically switches to the first or second USB mode depending upon a determination by the determining means **[column 6, lines 4-25 and 51-61]**. Wright teaches speed tradeoffs when selecting the appropriate wireless communication

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channel and the type of device being connected, therefore, there are different modes of speed when connecting the controller to the host system.

Concerning claim 12, Wright teaches the USB module includes a host detector to detect whether the video game controller is connected to the first host gaming system or to the second host gaming system, the USB module automatically switching to the first USB mode if the host detector detects the first host gaming system and to the second USB mode if the host detector detects the second host gaming system **[column 6, lines 4-25 and 51-61]**. Wright teaches there are tradeoffs when selecting the appropriate wireless communication channel and the type of device being connected, therefore, there are different modes when connecting the controller to the host system.

Concerning claim 13, Wright teaches a wireless module to support wireless communication; and a power source to supply power to the processor, the memory, and the wireless module **[column 6, lines 4-25]**. Moore et al also teaches a power supply to various electronic components **[column 15, lines 1-19]**.

Concerning claim 17, Wright teaches communicating with one of the first or second host gaming system over a wireless link **[column 6, lines 12-15]**.

Concerning claim 22, Wright teaches receiving a request to identify the video game controller during initial connection **[column 5, lines 19-29]**; and ascertaining which of the first or second host gaming systems the video game controller is being connected to based upon the request **[column 5, lines 51-67 and column 6, lines 1-20]**.

Concerning claim 23, Wright teaches setting the video game controller to the first USB mode; and upon determination that the video game controller is being connected for communication with the second host gaming system, automatically re-setting the video game controller to the second USB mode **[column 5, lines 36-52 and column 6, lines 4-25 and 51-61]**.

Concerning claim 24, Wright teaches one or more computer-readable media comprising computer-executable instructions **[column 6, lines 26-35]**.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Wang (US 6098130): Apparatus for Converting Game Input Port Signals from a Game Controller Into Universal Serial Bus Port Signals
- Wegmuller et al. (US 2004/0152515 A1): Cordless Game Controller System

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Malina K. Dhillon whose telephone number is (571) 270-1297. The examiner can normally be reached on Mon. - Thurs., 7 AM - 6 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Malina K. Dhillon
Examiner
Art Unit 3714

MKD 9/12/07



ROBERT E. PEZZUTO
SUPERVISORY PRIMARY EXAMINER